



NATIONAL GUARD BUREAU
1411 JEFFERSON DAVIS HIGHWAY
ARLINGTON VA 22202-3231

June 2, 2011

Office of the Chief Counsel

Mr. Jason Smathers
MuckRock
185 Beacon Street #3
Somerville, Massachusetts 02143

Dear Mr. Smathers:

This letter is in response to your Freedom of Information Act (FOIA) request dated December 20, 2010 for the five oldest FOIA and Privacy Act requests or appeals still being processed including remarks, comments, notes, explanations, etc. made by personnel about processing of the requests including worksheets, correspondence referencing the requests, tasking orders, emails, and coordination documentation. This request was received in our office which was assigned case #J-11-0024.

This office has finalized your request and the records you have requested are being granted in part at no cost to you as the fees are less than \$25.00. A search for responsive records by the Office of Information and Privacy has revealed 153 pages responsive to your request. After a thorough review of these documents, I have determined that portions of them are exempt from disclosure under the FOIA, 5 U.S.C. § 552 (b)(5), and (b)(6). We are releasing a total of 153 pages which have information redacted as allowed under the FOIA.

Exemption (b)(5) protects inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency. Under this exemption, we are withholding attorney-client privilege records, attorney work product, and internal agency advice and employee to supervisor communications.

Exemption (b)(6) protects personnel, medical, and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Under this exemption, we are withholding names of Department of Defense (DoD) employees below the grade of General Officer or title of Commander other than those that routinely interact with the public (FOIA Managers) as well as e-mail addresses of DoD employees, personal contact information on requestors, and other personal information or details provided by requestors that would cause a clearly unwarranted invasion of their privacy.

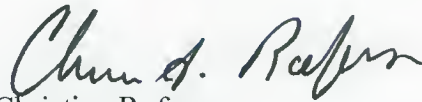
If you are not satisfied with this action, you may appeal to the appellate authority, the Director of Administration and Management, Office of the Secretary of Defense. To submit your appeal, you should write directly to:

Defense Freedom of Information Policy Office
Attn: Mr. James Hogan
1155 Defense Pentagon
Washington, D.C. 20301-1155

Your appeal should include a copy of this letter, be postmarked within 60 calendar days of the date of this letter, should cite case number J-11-0024, and should be clearly marked "Freedom of Information Act Appeal."

If you have any questions regarding this request, please contact Ms. Jennifer Nikolaisen, NGB Chief FOIA Officer, at (703) 607-3195 or by e-mail, FOIA@ng.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Christian Rofrano".

Christian Rofrano
Colonel, US Army
Chief Counsel
National Guard Bureau

Enclosure

QUEUE POSITION	S/C/E/A Category	REQUEST NUMBER	DATE RECEIVED (DoD Date)	SUSPENSE GOAL Red=Overdue	REQUESTOR (Last, First)	CURRENT CASE STATUS/DATE OF LAST ACTION	ACTION OFFICER
						White = Awaiting Records, Green = Legal Review, Yellow = On Hold Pending Requestor, Red = OIP Action Needed; Purple = Ready for Redacting, Orange = In for IDA Review	
1	Complex	2011-01451-F	8-Mar-10	ASAP	McLavy, Charles	113 WG put records on GKO site (12/20/10)	JN
2	Appeal	2010-00107-A	12-Apr-10	30-Jun-10	Willits, Marty	Ad Law for legal review (12/15/10)	JN
3	Complex	2010-05422-F	15-Jun-10	31-Aug-10	Sinder, Scott	tasked to A3 & JA For record search w/ 6 Jul suspense (6/25/10); f/u sent 8/9/10; f/u sent again 8/30/10 (awaiting ops /law only); tasked ANG RC (b) (6) (A1/A3) 9/7/10; f/u sent to A1 9/21/10; f/u sent 9/27/10; rovd records 9/30/10 asked ANGRC To consolidate records into one centralized resp (10/10); reminder sent 11/8/10; A1 still working on review of records for exempt material and removal of duplicates (11/18/10); f/u sent to ANG RC 12/20/10 for status (b) (6) is (b) (5) 9/20/10; f/u sent 9/7/10; f/u sent 9/22/10; (b) (6) is working info paper to send to TX CoS (9/27/10); f/u sent to Ad Law 10/22/10; Ad Law sent notice to TX asking them to provide records (11/3/10); TX responded they will not provide; Ad Law emailed (b) (6) to assist (12/14/10); per (b) (5)	JN
4	Complex	2010-05839-F	24-Jun-10	31-Aug-10	Duggan, Kenneth	Records on X drive (11/3/10); Checking with Cons for agreement on submitter recommendations. 5 Nov 10. emailed AQ for original records (12/15/10)	JN
5	Complex	FA-10-0123	16-Jul-10	30-Sep-10	Wotyche, Laura		RB

Not Responsive

NGB 340, 20060510

Beharry, Ronnie T Mr CIV NG NGB ARNG

From: NGB FOIA
Sent: Monday, December 20, 2010 12:48 PM
To: 'McLravy, Charles'
Subject: Acknowledgement of FOIA Request #2011-01451-F (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Mr. Charles McLravy
Inside Edition

(b) (6)

New York, NY 10019

(b) (6)

Dear Mr. McLravy:

This letter is to acknowledge receipt of your Freedom of Information Act request dated March 8, 2010 to the Headquarters Air Force for records on travel by Speaker Nancy Pelosi to Copenhagen, Denmark between December 7 and December 22, 2009. Portions of your request were referred to our office on December 15, 2010 and this referral has been assigned case #2011-01451-F.

Your request is currently at position #1 in our queue for processing based on the original date received by Air Force. As a preliminary estimate only, we anticipate completion of your request by January 30, 2011; however, will make every effort to provide the responsive records as soon as possible. All communications concerning this request should be identified with the above reference number and addressed to the address shown below.

In your request, you asked for a waiver of all associated fees. As a requestor in the media fee category, we do not anticipate any charge for processing your request. If we find there is a need to charge fees we will make a determination on your fee waiver request at that time.

If you have questions regarding your request, please contact me at (703) 607-3195 or by e-mail, FOIA@ng.army.mil.

//SIGNED//

Jennifer Nikolaisen

Chief, Office of Information and Privacy NGB FOIA/Privacy Officer

(703) 607-3195

Fax (703) 607-3684

Office of Chief Counsel (NGB/JA-OIP)
1411 Jefferson Davis Highway, Ste 11300
Arlington VA 22202-3231

Classification: UNCLASSIFIED
Caveats: NONE

Beharry, Ronnie T Mr CIV NG NGB ARNG

From: Nikolaisen, Jennifer A Ms CIV NG NGB ARNG
Sent: Monday, December 20, 2010 12:36 PM
To: AF FOIA/PA
Subject: New Significant FOIA Request (UNCLASSIFIED)
Attachments: 2011-01451-F.pdf

Classification: UNCLASSIFIED
Caveats: NONE

This was referred to us from AMC. Please note we are only able to answer part of Item 1 and Item 2; we assume AMC answered the other previously under case #2010-03147-F (original case number). Our new case is #2011-01451-F for our portion.

v/r
Jenny

Jennifer Nikolaisen, GS-14, CIPP/G
Chief, Office of Information and Privacy NGB FOIA/Privacy Officer
(703) 607-3195, DSN 327-3195

Office of Chief Counsel (NGB/JA-OIP)
1411 Jefferson Davis Highway, Ste 11300
Arlington VA 22202-3231

Visit our "One-Stop Information Shop" sites on GKO for helpful information:
<https://gkoportal.ngb.army.mil/sites/NGB-SpecialStaff/JA/foia/default.aspx>
<https://gkoportal.ngb.army.mil/sites/NGB-SpecialStaff/JA/privacy/default.aspx>

Classification: UNCLASSIFIED
Caveats: NONE

Beharry, Ronnie T Mr CIV NG NGB ARNG

From: Nikolaisen, Jennifer A Ms CIV NG NGB ARNG
Sent: Monday, December 20, 2010 12:33 PM
To: (b) (6) NG NGB ARNG; (b) (6) NG NGB ARNG
Subject: New ANG FOIAs (UNCLASSIFIED)
Attachments: 2011-01451-F.pdf; 2011-01445-F.pdf

Classification: UNCLASSIFIED

Caveats: NONE

FYSA - just logged in the attached two new FOIA requests for the ANG. We may be able to get these completed by the end of January; however, for all requests coming in right now I am giving an ECD of 15 Apr 11.

v/r
Jenny

Jennifer Nikolaisen, GS-14, CIPP/G
Chief, Office of Information and Privacy NGB FOIA/Privacy Officer
(703) 607-3195, DSN 327-3195

Office of Chief Counsel (NGB/JA-OIP)
1411 Jefferson Davis Highway, Ste 11300
Arlington VA 22202-3231

Visit our "One-Stop Information Shop" sites on GKO for helpful information:
<https://gkoportal.ngb.army.mil/sites/NGB-SpecialStaff/JA/foia/default.aspx>
<https://gkoportal.ngb.army.mil/sites/NGB-SpecialStaff/JA/privacy/default.aspx>

Classification: UNCLASSIFIED

Caveats: NONE

Nikolaisen, Jennifer A Ms CIV NG NGB ARNG

From: Velazquez, Candice M Civ USAF AMC AMC/A6OK (b) (6)
Sent: Wednesday, December 15, 2010 2:42 PM
To: NGB FOIA
Subject: Freedom of Information Act (FOIA) Referral - Mr. Charles McLravy FOIA Case 2010-03147-F
Attachments: FOIA Request.pdf; Referral to requester.pdf
Signed By: (b) (6)

Importance: High

Good Evening,

The attached FOIA request is being referred to you in accordance with DoD Regulation 5400.7/Air Force Supplement, paragraph C1.5.94.

The requester has been notified of this referral.

v/r

CANDICE VELAZQUEZ, CIV, DAFC

Command FOIA Manager

HQ AMC/A6OKR

203 W. Losey St, Rm 3640

SCOTT AFB IL 62225-5223

Comm: (618) 229-5402

DSN: 779-5402

FAX: 779-6139

Dear McLavy:

This is in response to your March 16, 2010 Freedom of Information Act request for a copy of Any and all documents regarding the implementation and cost of flights associated with the Congressional Delegation (CODEL) led by Speaker Nancy Pelosi to Copenhagen, Denmark between December 7th and December 22nd, 2009. 1) ALL COSTS associated with the CODEL include, but not be limited to, fuel, maintenance, and ancillary transportation. 2) The FLIGHT PLAN for this CODEL, which should include, but not be limited to, final and interim destinations, dates, manifests, and other special requests or circumstances.. We are not the office of primary responsibility (OPR) for item #2 of your request. Therefore, we are forwarding your request and documents to the following agency.

NGB/JA-FOIA
1411 Jefferson Davis Highway
Suite 11300
Arlington VA 22202
Fax (703) 607-3684
FOIA@ng.army.mil

They will reply directly to you. There are no assessable fees for processing your FOIA request in this instance.

Sincerely

//signed//

CANDICE VELAZQUEZ, CIV, DAFC
Command FOIA Manager
HQ AMC/A6OKR
203 W. Losey St, Rm 3640
SCOTT AFB IL 62225-5223
Comm: (618) 229-5402
DSN: 779-5402
FAX: 779-6139

CERTIFICATION of CLASSIFICATION

Case File: FOIA Case 2010-03147-F (UNCLASSIFIED)

(To be internally within the DCANG ONLY [since records can be reviewed at the owning office] for any records requested by appropriate authority Outside the DCANG, classified records will be copied and properly transmitted to that agency).

Copy and use as many sheets as necessary. This is Sheet 1 of 1.

I hereby certify that after making a review of the records associated to the request listed above, the following records listed are classified as indicated. I certify that upon notification of a request for JAG review (if a review is needed), I will make those records available at the owning office.

Title of Document (unclas name only) (that answers FOIA in part or in whole)	Document Classification
<u>Mission Itinerary for Mission #16307, dated 22 Dec 2009</u>	<u>UNCLASSIFIED</u>
<u>AFTO Form 781, dated 17 Dec 2009</u>	<u>UNCLASSIFIED</u>
<u>AFTO Form 781, dated 19 Dec 2009</u>	<u>UNCLASSIFIED</u>
<u>AFTO Form 781, dated 20 Dec 2009</u>	<u>UNCLASSIFIED</u>
<u>FY 2010 Reimbursable Rates Fixed Wing, eff. 1 Oct 2009 (4 pgs)</u>	<u>UNCLASSIFIED</u>

The search included a physical search of the hard copy records, emails, microfiche, and any other records kept by this unit.

(b) (6)
Printed Name of Unit Representative

7 Dec 2010
Date

(b) (6)
Signature

201AS/CCO
Unit/Office Symbol

Knowledge Operations Management
Duty Title

Encl 3



DISTRICT OF COLUMBIA AIR NATIONAL GUARD
201ST AIRLIFT SQUADRON
1234 MENOHER DRIVE
ANDREWS AIR FORCE BASE MARYLAND 20762-6519

7 Dec 2010

201AS/CC
1234 Menoher Drive
Andrews AFB, MD 20762-6519
Name of Contact: (b) (6)

TO: 113th Wing PA/FOIA
3252 East Perimeter Road
Andrews AF MD 20762-5011
Attn: (b) (6)

SUBJECT: Response to FOIA Case 2010-03147-F (UNCLASSIFIED)

In response to the request for records pertaining to FOIA Case 2010-03147-F (UNCLASSIFIED) (CODEL Pelosi), attached please find the documents that were found.

Enclosed are copies of the documents found regarding FOIA Case 2010-03147-F (UNCLASSIFIED):

- a. Mission Itinerary for Mission # 16307, dated 22 Dec 2009
- b. AFTO Form 781, dated 17 Dec 2009
- c. AFTO Form 781, dated 19 Dec 2009
- d. AFTO Form 781, dated 20 Dec 2009
- e. FY 2010 Reimbursable Rates Fixed Wing, effective 1 Oct 2009 (4 pgs)

If you have any questions, please contact (b) (6), FARM, 201st Airlift Squadron, at 240-857-6935/DSN 857-6935.

Sincerely,

(b) (6)

(b) (6), MSgt, DCANG
Knowledge Operations Management

6 Atch

1. Mission Itin, dtd 22 Dec 2009
2. AFTO 781, dtd 17 Dec 2009
3. AFTO 781, dtd 19 Dec 2009
4. AFTO 781, dtd 20 Dec 2009
5. FY 2010 Reimbursable Rates, eff. 1 Oct 2009
6. Certification of Classification

Beharry, Ronnie T Mr CIV NG NGB ARNG

From: Velazquez, Candice M Civ USAF AMC AMC/A6OK (b) (6) on
behalf of AMC FOIA [AMCA6.FOIA@scott.af.mil]
Sent: Thursday, December 02, 2010 3:17 PM
To: Nikolaisen, Jennifer A Ms CIV NG NGB ARNG
Subject: FOIA Case 2010-03147-F
Attachments: FOIA Request.pdf; FW: FOIA Case 2010-03147-F - Need further Processing of Item #2 COB:
18 ... (8.59 KB)
Signed By: (b) (6)
Importance: High

Good Evening,

Please review the FOIA request and the email attachment. AMC has answered item #1 of this request and it has been sent to DoD for review. Please let me know how to proceed with this request. Direct any questions to this office.

v/r

CANDICE VELAZQUEZ, CIV, DAFC

Command FOIA Manager

HQ AMC/A6OKR

203 W. Losey St, Rm 3640

SCOTT AFB IL 62225-5223

Comm: (618) 229-5402

DSN: 779-5402

FAX: 779-6139

March 8th, 2010

DELLA V. MACIAS
HAF FOIA Disclosure Officer
Headquarters Air Force Information Office (HAF/IMII)
DSN: 223-2579
Commercial: 703-693-2579

FOIA/PA Request
Case No: 2011-0451-F
Date Rcvd: 15 DEC 10
Date Due: 31 JAN 11
Rcvd By: NSISLA-01P30
Label by 0002 HAF AHS

FOIA REQUEST

Dear Ms Macias:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. s. 552, I hereby request copies of any and all documents regarding the implementation and cost of flights associated with the Congressional Delegation (CODEL) led by Speaker Nancy Pelosi to Copenhagen, Denmark between December 7th and December 22nd, 2009.

Specifically, I am interested in:

ANG

1) ALL COSTS associated with the CODEL. These costs should include, but not be limited to, fuel, maintenance, military and civilian DOD personnel, wait time, lodging, and ancillary transportation. This request should also include ALL COSTS associated with providing food, drinks, and entertainment to members of the CODEL, including members of Congress, their spouses, guests or domestic partners, and any and all staff.

Ame

ANG

2) The FLIGHT PLAN for this CODEL, which should include, but not be limited to, final and interim destinations, dates, manifests, and other special requests or circumstances.

This request should include, but not be limited to, briefs, reports, analyses, investigations, final determinations and any exhibits including any audio or video recordings related to these CODELs.

Since this request is made in the public interest and the results hereof are intended for publication, I request all fees be waived. If all fees are not waived, please notify me prior to incurring any expenses in excess of \$100.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all non-exempt portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

As I am making this request as a journalist and this information is of timely value, I would appreciate an expedited response. I would also appreciate your communicating with me by telephone or email if you have questions regarding this request. I look forward to your reply.

Very truly yours,

Charles McLavy

Inside Edition

(b) (6)

New York, NY 10019

(b) (6) - Voice

(212) 586-1217 - Fax

(b) (6)

CASE STATUS LOG FREEDOM OF INFORMATION ACT/PRIVACY ACT		CASE # <u>2010-00107-A</u>
DATE	ACTION	ACTION OFFICER
15 Apr 10	ack sent	Jenny
16 Jun 10	Called Tx ATAG so (b) (6) - he advised to email (b) (6) to conduct search - done w/ 23 Unsup. Jenny	
30 Jun 10	TX SA about transcription - no response	
26 Aug 10	SO TX SA (b) (6) - she says they have no capability/ability (b) (6) 924 conversation was they had an en that could/would do it - she said they will keep searching for resources	
1 Sep 10	asked DGB/XO + (b) (6) to assist + AF FOIA	
9 Sep 10	emailed AF FOIA to assist per (b) (6) advice -	
13 Sep 10	Follow up to TX + AF FOIA; Ann (AF FOIA) said will consult DOD/requester wants paper records now either then wait for transcribe - emailed AF/15 for FOIA referral + sent msg to Ad Law for legal review Jenny	
14 Sep 10	Assigned to (b) (6) (JA-6915)	(b) (6)
22 Sep 10	To XO for review	Jenny
29 Sep 10	XO reviewed	Jenny
30 Sep 10	Signed	
1 Oct 10	TX called - they have transcribed docs -	
2 Oct 10	rec'd call from (b) (6) they have transcription (b) (6)	
4 Oct 10	SO (b) (6) will register on GHD so I can have her upload file	
6 Oct 10	Ad Law stated is not for this CPL - this is a call on alertly given to requester	
8 Oct 10	Ann LSO listed to CO to get names/dates of interviews - list sent to TX	
14 Dec 10	transcriptions rec'd from TX - see online folder for email copied w/ requester	
15 Dec 10	vetted records - to Ad Law for legal review Jenny	
16 Dec 10	Assigned to (b) (6) (JA-7813)	(b) (6)
20 Jan 11	Case Review completed	(b) (6)
20 Jan 11	To XO	Jenny
22 Feb 11	XO final	(b) (6)

Beharry, Ronnie T Mr CIV NG NGB ARNG

From: NGB FOIA
Sent: Thursday, February 03, 2011 9:08 AM
To: 'Willits, Marty'
Subject: RE: FOIA # 2011-00106 (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Good morning Mr. Willits,

Your request is currently in for review by the Initial Denial Authority through his Executive Officer. Once signed we'll get it mailed out, generally these take anywhere from a few days to a few weeks depending on the travel schedule of the Initial Denial Authority but it was provided to him last week.

v/r

Jennifer Nikolaisen, GS-14, CIPP/G
Chief, Office of Information and Privacy NGB FOIA/Privacy Officer
(703) 607-3195, DSN 327-3195

-----Original Message-----

From: Willits, Marty [mailto:(b) (6)]
Sent: Thursday, January 27, 2011 4:44 PM
To: NGB FOIA
Subject: RE: FOIA # 2011-00106 (UNCLASSIFIED)
Importance: High

Ms. Nikolaisen,

Please provide an update on the status of the MG Denhart CDI August 2006 transcript? Has the legal review been accomplished? Below you provided the legal review should be complete by the first of January and provided to me then. I have not yet received it. I look forward to receiving any clarifications and thank you.

Respectfully,
Marty Willits
(b) (6)

From: NGB FOIA [FOIA@ng.army.mil]
Sent: Monday, December 20, 2010 6:08 AM
To: Willits, Marty D
Subject: RE: FOIA # 2011-00106 (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

We have received the transcription and I worked overtime last week to complete the review, the legal review should be complete by the first of January to provide this to you.

Jennifer Nikolaisen, GS-14, CIPP/G
Chief, Office of Information and Privacy
NGB FOIA/Privacy Officer
(703) 607-3195, DSN 327-3195

-----Original Message-----

From: Willits, Marty D [mailto:(b) (6)]
Sent: Friday, December 17, 2010 3:43 PM
To: NGB FOIA
Subject: RE: FOIA # 2011-00106 (UNCLASSIFIED)

Ms. Nikolaisen,

Please consider this request. Is it possible, due to the age of this FOIA request, that it be processed as soon as possible? I do understand the length of the file as I remember the investigation process well at the 147 RW. I appreciate your sharing the staffing situation.

Second, is it possible to be notified when your office receives the documentation from the Texas National Guard? Please note, (b) (6) no longer works for the governor's office.

Thank you again for the update.

Respectfully,
Marty Willits
(b) (6)

From: NGB FOIA [FOIA@ng.army.mil]
Sent: Tuesday, December 14, 2010 1:57 PM
To: Willits, Marty D; NGB FOIA
Cc: (b) (6)
Subject: RE: FOIA # 2011-00106 (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Mr. Willits,

We are still working on the transcription, I understand that it has been completed and has been mailed to our office. Once we receive it we'll begin reviewing the records to make a release determination as expeditiously as possible. I am not sure how many pages this entails and am also completely without staff at this time multiple actions ongoing so I am unable to speculate as to a response time as of yet.

v/r
Jennifer

Jennifer Nikolaisen, GS-14, CIPP/G
Chief, Office of Information and Privacy
NGB FOIA/Privacy Officer
(703) 607-3195, DSN 327-3195

-----Original Message-----

From: Willits, Marty [mailto:(b) (6)]
Sent: Wednesday, November 24, 2010 11:14 AM
To: NGB FOIA
Cc: (b) (6)
Subject: FW: FOIA # 2011-00106

Ms. Nikolaisen,

I was pleased with the eventual reception of this important document and the response by the SAF. Thank you for your attention in this matter.

I have yet to receive the 440 minutes of transcribed testimony from the Aug 2006 CDI initiated by MG Allen Dehnert. (b) (6) (with the Governor's office) has been working to address this open records request. The Texas Adjutant General's Department was sent a certified letter addressing the same.

Having received a copy of the 440 minutes of testimony via a CD from the TAG's Department, what is the position of your office and that of the NGB in order to receive a copy of this testimony under this FOIA request?

I respectfully request an update as I submit the details and experience of this open record request to the SAF, Texas Legislature, members of Congress and wish to provide as much information as possible. Please remember, it is due to my congressman, and according to his office that the House Armed Services Committee assisted me in receiving the Report of Investigation (8 pages) after years of waiting despite repeated requests.

I look forward to hearing from you. (b) (6) has been cc'd on this email in order to coordinate information and efforts regarding this important request more effectively. Thank you once again.

Respectfully,
Marty Willits
(b) (6)

From: (b) (6) USAF SAF/IGQ (b) (6) On
Behalf Of SAF/IG FOIA [SAF.IGFOIA@pentagon.af.mil]
Sent: Friday, November 19, 2010 1:49 PM
To: Willits, Marty
Cc: (b) (6) USAF SAF/IGQ
Subject: FW: FOIA # 2011-00106

Please find attached SAF/IG's response to your FOIA referral from NGB FOIA Office.

Respectfully,